

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TERESA TITUS, as an individual and  
as a representative of the class,

Plaintiff,

vs.

ZESTFINANCE, INC., BLUECHIP  
FINANCIAL, and DOUGLAS  
MERRILL,

Defendants.

CASE NO. 3:18-cv-05373-RJB

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING DEADLINES  
FOR RULE 26(f) CONFERENCE,  
INITIAL DISCLOSURES AND JOINT  
STATUS REPORT AND DISCOVERY  
PLAN**

**NOTE ON MOTION CALENDAR:  
August 6, 2018**

1 WHEREAS, plaintiff Teresa Titus (“Plaintiff”) filed Case No. 3:18-cv-05373  
2 against ZestFinance, Inc., BlueChip Financial and Douglas Merrill (“Defendants”)  
3 on May 10, 2018;

4 WHEREAS, Defendants moved to compel arbitration of Plaintiff’s claims on  
5 July 30, 2018 (ECF Nos. 27, 30);

6 WHEREAS, the parties have agreed, subject to an Order of the Court, to  
7 continue the deadlines for the Rule 26(f) Conference (currently August 6, 2018),  
8 Initial Disclosures (currently August 13, 2018), and the Joint Status Report and  
9 Discovery Plan (currently August 20, 2018) until the Court rules on the pending  
10 motions and makes a determination whether the dispute must be arbitrated. *See,*  
11 *e.g., Mahamedi IP Law, LLP v. Paradice & Li, LLP*, 2017 WL 2727874, at \*1–2  
12 (N.D. Cal. Feb. 14, 2017) (“If the Court ultimately determines that the dispute  
13 should be arbitrated, responsibility for the conduct of discovery lies with the  
14 arbitrators—and if not, [plaintiff] will suffer no prejudice from a temporary stay. . . .  
15 The Court finds that a stay of discovery promotes the just, speedy, and inexpensive  
16 resolution of this case.”) (quotations and citations omitted); ); *Stiener v. Apple*  
17 *Comput., Inc.*, 2007 WL 4219388, at \*1 (N.D. Cal. Nov. 29, 2007) (“a short stay of  
18 the initial scheduling obligations and discovery pending the determination of the  
19 motion to compel arbitration is ... prudent”); *Intertec Contracting Turner Steiner*  
20 *Int’l, S.A.*, 2001 WL 812224, at \*7 (S.D.N.Y. July 18, 2001) (“As is the general  
21 practice of district courts, a stay of discovery was imposed in this case while the  
22 motion to compel arbitration was pending before the Court.”). The parties have  
23 further agreed that, to the extent necessary, any Rule 26(f) Conference will be  
24 conducted within 21 days of the Court’s final rulings on the motions to compel  
25 arbitration, any Initial Disclosures would be exchanged within 28 days of such  
26 rulings, and any Joint Status Report and Discovery Plan would be submitted within  
27 35 days of such rulings.

28

1 WHEREAS, this stipulation is intended to preserve the status quo, and neither  
2 prejudices Plaintiff's ability to seek discovery she contends is needed to oppose the  
3 motion to compel arbitration, or Defendants' ability to oppose or to object to any  
4 such discovery, including on the basis that such discovery is not permitted without  
5 leave of Court. The parties agree to meet and confer in good faith with respect to  
6 any request Plaintiff makes for arbitration discovery in an attempt to avoid  
7 unnecessary motion practice;

8 WHEREAS, the parties further agree neither this stipulation, nor Defendants'  
9 limited participation in this litigation until final entry of an order on its motions to  
10 compel arbitration and any jurisdictional or other defenses, shall be construed as  
11 consent by Defendants to this Court's jurisdiction or as a waiver by Defendants of  
12 any defenses based on jurisdiction or other grounds;

13 NOW, THEREFORE, by and through their respective counsel of record, the  
14 Parties hereby stipulate and agree, subject to an Order from the Court, that the  
15 deadline for the Rule 26(f) conference, the deadline for initial disclosures, and the  
16 deadline for the Joint Status Report and Discovery Plan shall be continued until the  
17 Court rules on the pending motions to compel arbitration and makes a determination  
18 whether the dispute must be arbitrated.

19 IT IS SO STIPULATED.  
20

21 DATED: August 6, 2018

QUINN EMANUEL URQUHART &  
SULLIVAN. LLP

23 Bv /s/ Thomas C. Rubin  
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16 DATED: August 6, 2018

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*Attorneys for Plaintiff and the Proposed  
Classes*

**[PROPOSED] ORDER**

IT IS SO ORDERED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
THE HONORABLE ROBERT J. BRYAN  
UNITED STATES DISTRICT COURT JUDGE

***Presented by:***

DATED: August 6, 2018

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 6, 2018, I caused a true and correct copy of the foregoing **STIPULATION AND [PROPOSED] ORDER CONTINUING DEADLINES FOR RULE 26(f) CONFERENCE, INITIAL DISCLOSURES AND JOINT STATUS REPORT AND DISCOVERY PLAN** to be filed in this Court's CM/ECF system, which will send notification of such filing to all parties who have appeared in this matter.

DATED this 6th day of August, 2018.

/s/ Thomas C. Rubin  
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